

REMARKS

Claims 1-4 are now pending in this application. Claims 1, 2 and 4/(1,2) are rejected. Claims 3 and 4/3 are objected for being dependent upon rejected base claims. New claims 5-8 added herein. Claim 5 is equivalent to the original claim 1 with the structural limitations of claim 3. Claim 6 is equivalent to the original claim 4 depending from claim 3. Thus, claims 5 and 6 encompass the allowable subject matter in proper form for allowance. Claim 1 is amended herein to clarify the invention and to address matters of form unrelated to substantive patentability issues.

Claims 1, 2 and 4/(1,2) are rejected under 35 U.S.C. §102(b) as being anticipated by either Yuatsuki (JP 06-106083) or Tokita (JP 3043636).

MPEP §2131 states that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The MPEP elaborates further by saying that “[t]he elements must be arranged as required by the claim.” Applicants traverse the rejection and, alternatively, aver that the claims as amended overcome the rejection.

The cited art does not disclose a crushing device with a receiving blade or a pushing blade as recited in claim 1. In particular, the cited art does not disclose pushing blade single bodies that are cross-shaped. In contrast to the current invention, Yuatsuki discloses frusto-conical projecting blades (62a) while Tokita discloses triangular pawls (5) and (6). Moreover, the cited references do not disclose a receiving blade with plate-like longitudinal receiving blades that together with transverse receiving blades form approximately rectangular blade space portions. These structural limitations help ensure that runners are reliably sheared and crushed, and prevent adhesion of crushed runner pieces to the receiving blade and pushing blade. Thus, the invention is not anticipated by the cited references because not every element as set forth by the claims and arranged as required by the claims is found in either of the cited references.

No fee is believed due. If there is any fee due the USPTO is hereby authorized to charge such fee to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form
for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
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